

The University of Chicago

THE SECRETARIAT
OF THE LEAGUE OF NATIONS: IN-
TERNATIONAL CIVIL SERVICE OR
DIPLOMATIC CONFERENCE?

A PART OF A DISSERTATION SUBMITTED TO
THE FACULTY OF THE DIVISION OF THE
SOCIAL SCIENCES IN CANDIDACY FOR THE
DEGREE OF DOCTOR OF PHILOSOPHY

DEPARTMENT OF POLITICAL SCIENCE

1936

By

HELEN M. MOATS

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CHAPTER I
THE ROLE OF THE SECRETARIAT IN THE LEAGUE

I

The Secretariat is the pivot of the League of Nations organization. In structure the League is, on the one hand, an organization of some sixty¹ self-governing states, dominions, and colonies; on the other hand it is a complex of organs, the two governing organs, the Assembly and Council, and a host of auxiliary organs. The strands which connect all parts of this complicated organism meet at the permanent center, the Secretariat.

The peculiar nature of the Secretariat's organization and operation can best be understood against a background into which have been sketched certain characteristics of the larger organization which it serves.

The League's scope of interest is wide, so wide that it touches directly or indirectly most aspects of the lives of nations and individuals. Its activities may be divided into three categories:²

1. The pacific settlement of disputes.
2. The administration or supervision of the administration of special areas and populations. This has included the supervision of the Mandates Regime, the administration of the Saar Terri-

¹Following Germany's withdrawal from the League on October 21, 1935, there are fifty-eight members.

²For a different threefold classification of the League's tasks as (1) the enforcement of the peace treaties, (2) the promotion of international co-operation, (3) the prevention of war, cf. William E. Rappard, International Affairs as Viewed from Geneva (New Haven: Yale University Press, 1925).

tory, the protection of the Free City of Danzig, the protection of Minorities, etc.

3. The organization of peace and international co-operation. This includes the threefold problem of arbitration, security and disarmament; the codification of international law; work in three technical fields, (1) economic and financial, (2) communications and transit, (3) health; social and humanitarian questions, particularly the traffic in drugs, the traffic in women and children, child welfare, and slavery. The revision of treaties under Article 19 of the Covenant, were it ever applied, would fall within this category.

The array of bodies in Table I constitutes the League's machinery. Article 2 of the Covenant establishes the three constitutional organs.¹ "The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council with a permanent Secretariat." The Assembly and Council take the League's decisions, determine its policies and direct the rest of the organization. Their scope is general.² They are assisted in the various special fields by the auxiliary bodies.

The business of this machine is government, broadly defined. It regulates or attempts to regulate certain aspects of the relations of states. This is its broadest field. It also supervises in certain cases particular aspects of the internal governmental processes of states as in the Mandates Regime where

¹Two other organs owe their origin to the Covenant, the Permanent Armaments Commission (Art. 9), the Permanent Mandates Commission (Art. 22, par. 9).

²Both the Assembly and Council may deal "with any matter within the sphere of action of the League or affecting the peace of the world" (Art. 3, par. 3; Art. 4, par. 4). Besides this general mandate each body has special duties of its own.

TABLE I
MACHINERY OF THE LEAGUE OF NATIONS^a

I. General Organization

A. Assembly

Permanent Committees

1. Legal Questions
2. Technical Organizations
3. Disarmament^b
4. Financial Questions
5. Social Questions
6. Political Questions

B. Council

1. Rapporteurs

a) Regular rapporteurs^c

Financial Questions
Economic Questions
Transit Questions
Health Questions
Legal Questions
Budgetary and Administrative Questions
Mandates
Minorities
Disarmament
Danzig
Intellectual Co-operation
Opium
Traffic in Women and Children
Child Welfare and other Social Questions
Refugees

b) Special rapporteurs

2. Special Committees

- a) Minorities Committees
- b) Other Committees

C. Secretariat^d

1. General Organization
2. Internal Administrative Services
3. Special Organizations

^aThis table includes only the organs belonging to the League of Nations proper; that is, it does not include the two autonomous organizations, the International Labor Organization and the Permanent Court of International Justice.

^bThe Third (Disarmament) Committee has not been set up since the assembling of the Disarmament Conference in 1932.

^cThe subjects assigned to rapporteurs vary slightly from year to year. This is the list for 1935-36 (Official Journal of the League of Nations, XVI [1935], 1178).

^dFor the detailed structure of the Secretariat see Table II.

TABLE I--CONTINUED

II. Special Organizations^e

- A. Permanent Organs (Principal Organs)
 - 1. Administrative Commissioners
 - High Commissioner of Danzig
 - 2. Permanent Advisory Commissions and Committees
 - a) Permanent Mandates Commission
 - b) Permanent Armaments Commission
 - c) Advisory Commission for the Protection and Welfare of Children and Young People
 - d) Advisory Committee on the Traffic in Opium and other Dangerous Drugs
 - e) Permanent Central Opium Board
 - f) Supervisory Body set up under Article 5 of the Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs, signed at Geneva on July 13, 1931
 - g) Advisory Committee of Experts on Slavery
 - 3. Technical and Similar Organizations
 - a) Health
 - General Advisory Health Council
 - Standing Health Committee
 - Expert Committees
 - b) Communications and Transit
 - Ordinary and Extraordinary General Conferences
 - Limited Conferences
 - Advisory and Technical Committee for Communications and Transit
 - Sub-Committees
 - c) Economic and Financial
 - Economic Committee
 - Financial Committee
 - Fiscal Committee
 - Committee of Statistical Experts
 - d) Intellectual Co-operation
 - International Committee on Intellectual Co-operation
 - International Institute of Intellectual Co-operation^f
 - International Educational Cinematographic Institute^f
 - National Committees on Intellectual Co-operation

^eIt would obviously be impossible to list all of the League's special organs. In the group classified as "permanent" the principal categories and bodies are listed. In the "temporary" group important examples of various types of agencies are listed.

^fThe two Institutes listed as belonging to the Intellectual Co-operation Organization could also have been classified with the Institutes at the Disposal of the League.

TABLE I--CONTINUED

II. Special Organizations

A. Permanent Organs (Cont.)

4. International Bureaus and Institutes

a) International Bureaus under the Supervision of the League of Nations

- (1) International Central Office for the Control of the Liquor Traffic in Africa (Brussels)
- (2) International Bureau for Information and Enquiries regarding Relief to Foreigners (Paris)
- (3) International Hydrographic Bureau (Monaco)
- (4) Nansen International Office for Refugees (Geneva)
- (5) International Commission for Air Navigation (Paris)
- (6) International Exhibitions Bureau (Paris)

b) Institutes at the Disposal of the League of Nations^g

- (1) International Institute for the Unification of Private International Law (Rome)
- (2) International Institute for the Study of Leprosy (Rio de Janeiro)

5. Bodies concerned with the Finances and Internal Administration of the League

- a) Supervisory Commission
- b) Commission on the Allocation of Expenses
- c) Administrative Tribunal

B. Temporary Agencies (Examples)

1. Administrative

- a) Saar Governing Commission (1920-1935)
- b) Commission for the Administration of the Territory of Leticia (1932-33)
- c) President of the Mixed Commission for Upper Silesia (1922-37)
- d) President of the Mixed Arbitral Tribunal for Upper Silesia (1922-37)
- e) Neutral Members of the Commission for the Exchange of Greek and Turkish Populations (1923-1934)

2. Commissions of Enquiry, etc.

- a) Commission of Enquiry to China (Lytton Commission) (1931-32)
- b) Commission of Enquiry despatched to Scene of Hostilities between Bolivia and Paraguay (Chaco Commission) (1933-34)
- c) Commission of Enquiry on Iraq Boundary (1924-25)
- d) Technical Delegate of League of Nations in China (1933-34)

3. Temporary Advisory Commissions

- a) Commission of Enquiry for European Union (1930-)
- b) Committee of Experts on Slavery (1932)

^gSee note f.

TABLE I--CONTINUED

II. Special Organizations

B. Temporary Agencies (Cont.)

3. Temporary Advisory Commissions (Cont.)

- c) Committee of Experts on the Progressive Codification of International Law (1924-29)
- d) Advisory Committee appointed by the Extraordinary Assembly convened in virtue of Article 15 of the Covenant at the request of the Chinese Government (1933-34)
- e) Temporary Mixed Commission for the Reduction of Armaments (1921-24)
- f) Co-ordination Commission (1925-26)
- g) Joint Commission on Disarmament (1926-1931)
- h) Preparatory Commission for the Disarmament Conference (1926-31)

4. Conferences

a) Diplomatic Conferences

- (1) Disarmament Conference (1932-)
- (2) First and Second Opium Conferences (1924-25)
- (3) Conference for the Limitation of the Manufacture of Opium (1931)
- (4) Conference of Wheat Importing and Exporting Countries (1933)
- (5) Monetary and Economic Conference (1933)

b) Expert Conferences

- (1) International Economic Conference (1927)
- (2) Conference of Experts to Determine the Most Suitable Methods of Safeguarding Public Health at Times of Economic Depression (1932-33)
- (3) Conference of Central Offices on Suppression of Counterfeiting Currency (1931)

the Mandatory Powers are legally acting as the League's agents, as in the protection of Minority populations, or as in the control of the drug traffic where the states have undertaken certain obligations subject to international supervision. Finally, in a small number of cases it has temporarily administered certain territories, e.g. the Saar for fifteen years, Leticia in dispute between Colombia and Peru, for one year.

The governed are, in the first two instances, the states which are members of the League or which participate in portions of its work, in the third instance, the territories which have

been placed temporarily under the League's direct administration.

Now the governmental process as ordinarily understood has two general stages, (1) making decisions, (2) the application of these decisions. The limited nature of the League's governmental functions is apparent when it is realized that, with the exception of the small group of special cases in which the League has exercised direct administrative power, the League is dependent for the application of its decisions on the civil administrations or on the armies and navies of sovereign states. This is no less true even in those fields where the League has an extensive legal right of intervention as in the protection of minority groups, or where the League is even theoretically supreme as in the mandated territories.

The League depends, therefore, for both its decisions and their application on the consent of sovereign states. True, in certain cases, it may, legally, if a certain number of its members agree, coerce a recalcitrant member. But the essential problem remains the persuasion of the nations that they have common interests, whether the question at issue is the adoption of a treaty regulating the drug traffic or penalizing a nation which has violated its obligations under the Covenant.

Thus the League is, for the most part, an instrument of negotiation and collaboration, of fact finding, of advice, rather than of coercion or execution. Whether it is attempting to settle a dispute, draft a treaty, see that a treaty is executed, or an administrative program adopted, it works through a process of establishing the facts or points of view involved, recommending a solution, coaxing consent to the solution and to its application.

The nature of this process makes the representation of national policies, situations, and psychologies in the League's

organs of great importance. Thus in the governing organs and in agencies engaged in the organization of the various aspects of peace and international co-operation, e.g., the Permanent Armaments Commission, the Economic Committee, the Health Committee, etc., representation of the interested states, groups of states, administrative systems, etc., is provided.¹ In the governing organs political leaders, foreign and even prime ministers, commonly represent the countries which are near enough Geneva to permit their statesmen to lead peripatetic lives between it and the national capital. In the special bodies the members are, as a rule, specialists, who while often acting in an expert and personal capacity are in close touch with their national situations in their particular fields, frequently being government officials.

It should be pointed out that there is one group of states which are almost always "interested" and whose co-operation is essential to almost any League project. Thus the Great Powers or their nationals form a permanent nucleus not only of the Council but of the greater part of the permanent bodies and what amounts practically to an ex officio nucleus of the temporary bodies. A large share of the organs include nationals of the United States either as regular members or as consultants. The remaining places in an organ are distributed among the smaller powers according to their special interests, to regional or to some other form of representation.²

¹There are sometimes corresponding members in addition to the regular members of a committee, thus establishing contact with a wide circle of countries. For the composition of League Committees cf. Committees of the League of Nations, C. 287. M. 125. 1934, particularly Part II, chap. ii. Also cf. H. R. G. Greaves, The League Committees and World Order (London, 1931), particularly chap. i, "Introductory," and Part II, chap. xii, "Conclusion."

²The non-permanent members of the Council are elected by the Assembly according to a system of quasi-regional rotation. The

However, representation of interests is not the only factor considered in composing League bodies. The exact contrary may be the controlling consideration where the maintenance of the League's authority as a genuinely international body makes impartiality of the essence. Thus in administrative agencies like the Saar Governing Commission and the High Commissioner for Danzig, or in agencies which supervise special aspects of national administration as the Permanent Mandates Commission and the Council Minorities Committees, or in the case of a Council rapporteur or committee handling a dispute, the organ's composition may be required to consist wholly or in a certain proportion of nationals of disinterested states.¹ Furthermore, in bodies like the Permanent Mandates Commission and the Permanent Central Opium Board whose task is the supervision of the execution by national governments of their international obligations, personal as well as national impartiality is safeguarded by the requirement that the members may not hold any position of direct dependence on their governments.²

distribution of Council seats subsequent to Germany's withdrawal on October 21, 1935, is as follows:

14 Council Seats

4 Permanent--Great Britain, France, Italy, Soviet Union

2 Semi-Permanent (by virtue of constant re-election)--
Poland and Spain

8 Non-Permanent

3 to Latin American States

1 to Ex-neutral States (Denmark, Norway, Sweden, Netherlands. Switzerland belongs in this group but due to its special position as the seat of the League and as a neutralized state it has never been a candidate for a Council seat.)

1 to Little Entente

1 to Asiatic States

1 to Other States

Cf. Report of the Committee Appointed to Study the Existing System of Elections to the Council, A. 8. 1935. V.

¹Cf. note 1, p. 8.

²For this provision as regards the Permanent Mandates Com-

Since the Great Powers are nearly always "interested," the smaller states with more limited interests are more liable to supply the genuinely neutral members of an organ.¹ On the other hand, the very interest of one of the Great Powers in, say, maintaining the balance of power may make a national of this state a good mediator. Thus Englishmen were Chairmen of the Saar Governing Commission during the last eight years of its existence. Similarly Italy, an aggrieved non-mandatory Power, and as such particularly interested in the preservation of the League's supervision over the mandated territories, has continuously supplied the Chairman of the Permanent Mandates Commission.

Before leaving this discussion of the make-up of the League organs, their reflection of the fundamentally European character of the League deserves comment. In spite of the regional or other schemes by which members are selected, roughly two-thirds and upwards of their members are commonly Europeans, although European nations constitute something under 50 per cent of the membership of the League.²

Another important characteristic of the "government" of the League is the discontinuous character of the governing and most of the special organs. Although the work of the League is

mission, cf. Procès-Verbal, 11th Sess. of the Council, 1920, pp. 90-91. The composition of the Permanent Central Opium Board is regulated by Art. 19 of the Geneva Opium Convention of 1925.

¹For an account of the part of Sweden and the other small northern European neutral states in resolving the 1926 crisis over the composition of the Council, see Felix Morley, The Society of Nations (Washington, 1932), pp. 359-61.

²Following Germany's withdrawal from the League on October 21, 1935, twenty-seven of the fifty-eight members of the League were European nations. For the composition of League bodies see, for example, the list of Organizations and Commissions of the League of Nations in the Monthly Summary of the League of Nations, February, 1935, pp. 44-59.

constantly in progress, the governing organs and most of the auxiliary bodies meet only intermittently for short periods. The Assembly meets ordinarily once a year for two or three weeks, the Council four times a year. Most of the special bodies meet once or twice a year for periods of a week or two. The administrative commissions and the institutes and bureaus, which function continuously, are, of course, exceptions to this general rule.

There is no president or cabinet continuously on the job. The Council which is the executive organ derives a degree of continuity through the delegation of tasks to its sub-units, its President, rapporteurs, and small committees of the Council. The President-in-Office is on call for emergencies between sessions of the Council. But this does not alter the essential point that the persons who represent their governments in the Council and Assembly or who act as members of the special bodies as a rule have full-time jobs elsewhere. The President of the Council is probably a busy foreign minister in, say, Paris, London, or Prague whose League activities are only an incidental part of his regular job of foreign minister. A member of the Economic Committee may be a professor of Economics whose work for the League is undertaken in addition to his regular work of teaching.

Heretofore our attention in discussing the governmental function of the League machine was concerned with its relation to states and to special regions under its administration. But the machine itself requires considerable internal government, organization of relations between its organs, etc. Many Assembly and Council resolutions, for example, are not directed at the states at all but at other parts of the machine.

Thus the Assembly supervises the work of the whole machine in a general and rather remote way, approving reports of work done

and authorizing new work, establishing new organs, etc. Its strongest control over the rest of the organization lies in its control of the Budget. This is accompanied by a far-reaching control of the internal administration. The Assembly has two Budget agencies. (1) The Supervisory Commission, whose five members are elected by the Assembly in rotation for three-year terms, examines the budgetary estimates submitted by the heads of the Secretariat, International Labor Office, and Registry of the Permanent Court and advises the Council and Assembly on all financial matters. (2) The powerful Fourth Committee, one of the Assembly's six standing committees, consisting of representatives of all states represented at the Assembly, adopts the annual budget and determines the internal administrative policies of the League subject to the approval of the Plenary Assembly.

The Council as the executive organ sets up many of the special organizations, including, as a rule, those authorized by the Assembly, appoints their members or designates the countries to be represented in them.¹ It supervises more closely than the Assembly the work of the special organizations. Many of the Assembly's decisions require action by the Council to give them effect.

A mechanism as complicated as that of the League of Nations, consisting as it does of many members, a variety of organs, the latter dealing with a wide assortment of subjects and meeting intermittently, requires a vast amount of internal administration, of communications between organs, between the members and the organs, of preparations for meetings, finally, a permanent headquarters.

¹The special organs are occasionally agents of the Assembly; more often they are primarily Council agents; some of them are autonomous, e.g., the international bureaus (Table I) having their own governing bodies outside the League but reporting to the League, giving it advice on technical questions, etc.

The Secretariat provides this permanent headquarters. It does much more. It serves as the link between the members, between the organs, between the members and the organs. It carries on the work of the elaborate array of governing and special bodies in the intervals between their meetings and aids them at all stages of their business. Thus it provides the League with the continuity and coherence which save it from being merely a loose collection of bodies, each holding a series of disconnected meetings.

On one side of the picture the Secretariat is the League in microcosm. It has a general organization which serves the League as a whole and departments which serve the special organizations. Its composition reflects the League's need for close contact with national situations, for experts, for impartiality. Its personnel is dominated by nationals of the states which play the leading roles in the League.

But on the other side the Secretariat's unique position as the permanent, central, unifying force in the organization gives it special requirements. Thus according to its fundamental theory it is organized and operates as a unit, serves and is responsible to the League as a unit. This theory and the problems which it has met in practice constitute the central interest of the present study.

II

Inter-Allied experience during the World War had demonstrated the great value of international technical bodies whose function it was to examine and reduce to their least controversial terms subjects to be discussed by groups of ministers meetings at intervals, and to execute the decisions of these discontinuous groups. It was natural that the authors of the Covenant should wish to perpetuate this technique in a permanent secretariat for the new League of Nations.

However, the Inter-Allied organization was merely meeting, in a practical way, an emergency which temporarily took precedence over differences in national policies. The individuals participating in the work of the organization were in the last analysis officials of and responsible to their own governments. The Secretariat, on the other hand, was created to serve a permanent international society. To this end its creators endowed it with a theory of international responsibility. It was to be an international civil service and not a group of national delegations.

The official theory of the international character of the Secretariat is briefly as follows. In contradistinction to the other constitutional organs, the Assembly and Council, which are composed of the political representatives of the States Members of those bodies and which meet at intervals only, the Secretariat is permanent, secretarial, technical, and administrative, its members acting wholly in the capacity of civil servants of the League of Nations and in no way responsible to their governments. To this end they are appointed by the Secretary-General with the approval of the Council, the Secretary-General in turn being appointed by the Council with approval of the majority of the Assembly.¹

In its most exalted terms the theory amounts in effect to a claim for the League of super-state rank. Consider the declaration of loyalty which must be made by the officials of the Secretariat of the rank of Director or above, a similar declaration being made by other members of the Secretariat,

I solemnly undertake to exercise in all loyalty, discretion, and conscience the functions that have been entrusted to me as (Secretary-General) of the League of Nations, to

¹ The first Secretary-General was named in the Annex to the Covenant.

discharge my functions and regulate my conduct with the interests of the League alone in view and not to seek or receive instructions from any Government or other authority external.¹

The fact that the officials of the Secretariat swear not to receive instructions even when given them by their own governments logically puts the organization to which they are swearing allegiance above their governments.

However, even the most orthodox exponents of the doctrine of the international Secretariat are not inclined to admit that this implies super-statism. They do, however, insist that the whole is greater than the sum of its parts and that it is this whole which the Secretariat serves.

The opponents of the theory, on the other hand, say that realistically the Secretariat is a political organization, its personnel consisting of the sum of the nationalities present who bring to the Secretariat the policies of their countries and governments. The Secretariat must, for the present at any rate, serve the League through the co-operation of its various national elements rather than by trying to perform the impossible feat of transforming its members each into an international man.

The term "international" taken in connection with the Secretariat has come to mean two things: first, that the Secretariat is an international civil service with responsibility solely to the League; second, that it should be recruited from the various nationalities in the League. The principle has been repeatedly stressed that posts from highest to lowest should be distributed fairly among the various nationalities. But this principle conflicts with a logical corollary to the original theory that the Secretariat is an international civil service. This corollary

¹Staff Regulations of the Secretariat (1933 ed.), Art. 2.

requires that the Secretariat's personnel be selected solely on the basis of competence. Sir Eric Drummond recognized this conflict in a speech to the Institute of Public Administration in March, 1931, in which he said,

The real difficulty of the organization of the Secretariat lies in the clash of two principles; the first that a post should be filled by the best available man or woman, the second that there shall be a reasonable and fair distribution of posts among the nationals of the countries members of the League.¹

As a matter of fact all of these principles are entangled with political considerations. The essential task of the League was described above as the search for bases of agreement among the nations, persuasion of the latter that their best interests will be served by co-operation, and the facilitation of this co-operation. Now the Secretariat stands at the center of the League system of persuasion and collaboration. It prepares the ground for the other organs and carries out their decisions (up to the point where execution rests on the national administrations). It has a diplomatic function which carries it beyond the limits of what at first glance is implied in the expression "international civil service." The exponents of the doctrine of the international Secretariat find themselves in somewhat of a dilemma. They defend the desirability and possibility of the existence of the "international man." At the same time they recognize the necessity of having in the Secretariat not only persons who are by capacity and training competent to perform technical functions but also persons who know the special points of view and conditions of their countries and who are on good enough terms with their governments to act as links between the League and the governments.

¹Sir Eric Drummond, "The League of Nations Secretariat," Public Administration, IX (1931), 234.

The distinction between the transmission of national political information which may aid in the solution of an international problem and the advocacy of national policy is close. In the words of the majority of the Committee of Enquiry on the Organization of the Secretariat, etc. in 1930, "the official who transmits information about his own country must be careful not to become an advocate of its policy. The line to be observed in this matter is a narrow one and requires, particularly in the Secretary-General, a high degree of fairness and objectivity."¹ Sir Arthur Salter who was for nearly ten years Director of the Economic and Financial Section of the Secretariat assures us that the international civil servant can make the distinction.² On the other hand, the opponents of the theory of the international Secretariat say that the line is too narrow to be real. Attempts to devise means of safeguarding the officials from the temptation of crossing the line have been the subject of much controversy.

The situation is intensified by the fact that it is above all the Great Powers whose collaboration is considered essential. In order to secure it a system was devised whereby positions at the top of the Secretariat hierarchy--all of these positions until 1932, all but two since then--should be reserved to nationals of the Permanent Members of the Council, these officials acting as links between their governments and the League. Whatever delicate balance the persons holding these positions may or may not have been able to maintain between international and national considerations, the appearance of such a system of hegemony seems to

¹Report of the Committee of Enquiry on the Organization of the Secretariat, the International Labour Office and the Registry of the Permanent Court of International Justice, A. 16. 1930, p. 12.

²Sir James Arthur Salter, The United States of Europe (London, 1933), p. 132.

controvert all the fundamental principles of the organization, i.e., international responsibility, selection for competence, and the distribution of posts fairly among the various nationalities.

All of this pertains to securing co-operation by means of putting the reins in the hands of nationals of the most interested states. But it is frequently argued that a more real kind of co-operation might be effected if the business of the Secretariat were conducted by nationals of disinterested states. It is true that this method has been used with regard to certain phases of League activity. Sir Eric Drummond, when he was Secretary-General, was replaced by the Deputy Secretary-General when disputes to which Great Britain was a party were before the Council.¹ The work of certain Sections of the Secretariat is regularly handled by nationals of states disinterested in the questions dealt with by those Sections.²

The question as between these two considerations, interest and disinterest, is a complex one. If all of its work were in the hands of nationals of disinterested states the Secretariat would undoubtedly be less afflicted with the danger of partiality. More co-operation might be obtained. On the other hand, it is possible that there would be no co-operation at all, or at least on only extremely non-contentious subjects. It is probable that if the highest posts in the Secretariat had originally been given to nationals of small states the Secretariat would have received little support from the Great Powers and would have been entirely unable to perform in contentious as well as in non-contentious fields the preparatory and executive work for which it was created. Whether

¹E.g., Mosul Dispute, also Anglo-Persian Oil Dispute.

²Particularly the Mandates and Minorities Questions Sections. Cf. infra, pp. 288-90.

it has been necessary to perpetuate the original system is a debatable point. Sir Eric Drummond while Secretary-General was always convinced, apparently, that it was. The attitude shown by the Great Powers to suggestions of abolishing the posts of Under-Secretary-General leads to the impression that it is only through the maintenance of such a system of hegemony that they will "play." On the other hand, the creation in 1932 of a second post of Deputy Secretary-General and the guarantee that either the Secretary-Generalship or this post of Deputy Secretary-General must be held by the national of a state not a Permanent Member of the Council might conceivably open the way to important future developments.

The Secretariat's history has been one of much controversy over the two related questions of its independence from national control and its national composition. The whole situation has been an ambiguous complex of conflicting principles, of conflicts between principles and political expediency, and of national desires masquerading as both international principles and international expediency. The concrete problems of the Secretariat's organization are all bound up with this situation. In the Secretariat's seventeen years of existence many a battle royal has occurred over methods of recruiting, promotions, tenure of office and pensions. These are problems common to any administration. But in the Secretariat they have provided occasions for contests between the supporters and opponents of the orthodox theory of the Secretariat's international responsibility, between two sets of European Great Powers, one to maintain its dominance in the Secretariat, the other to curtail this dominance, and between the small and Great Powers over the hegemony of the latter.

In spite of all conflicts and denials, the official theory has remained consistently that the Secretariat is a real interna-

tional body responsible to the League alone, its members appointed by the governing bodies of the League, its personnel selected on a basis of competence with attention, however, to the fair apportionment of posts among the various nationalities.

The Secretariat's central problem is thus the maintenance of its international character simultaneously with the performance of its international functions. By its international character two things are understood: (1) its responsibility to the League alone; (2) its composition from many nationalities. Its international functions consist in the performance of preparatory and executive work which will facilitate the work of the governing bodies of the League or their auxiliary agencies. This preparatory and executive work is both technical and diplomatic.

CHAPTER XIV

CONCLUSION

I

Study of the documents and commentaries dealing with the question of the Secretariat leaves no doubt of the general popularity of the official theory of the Secretariat's independence from national control.

Sometimes, however, one detects a tendency to measure and condemn the Secretariat by a concept rather than to examine the validity of the concept with respect to the requirements of the Secretariat.

Some of the representatives of states in the Fourth Committee discussions have shown a disposition to remove functions which interfered with the theory that the Secretariat was an international civil service in preference to trying to adapt the organization and theory to the needs of the League.

Similarly in a legalistic work such as Mlle. Basdevant's Les Fonctionnaires Internationaux, where the author, speaking of the Secretariat, says "it is not admissable that the international officials be, in any manner, under the authority of their State of origin; this is contrary to the concept of 'fonction internationale' and even of 'fonction publique,'"¹ one has the impression that the concept has been arrived at abstractly, or rather, has been borrowed from the national state, particularly since the author deals exhaustively with the legal status and obligations of the officials

¹Suzanne Basdevant, Les Fonctionnaires Internationaux (Paris, 1930), p. 155.

of the Secretariat and other international bodies without touching upon the nature of their tasks.

Other writers, however, arrive at the same conclusion from a consideration of the nature of the Secretariat's activities. Messieurs Schücking and Wehberg point to the difference between the Secretariat and the earlier administrative bureaus. They feel that the highly political character of the Secretariat's work enhances the importance of the spirit in which it operates. This spirit is necessarily international, calling for (especially in the highest ranks) elimination "completely of a definite national policy."¹

M. de Madariaga, writing in 1928 soon after his retirement from the Secretariat said,

A reaction, inherent in the hard realities against which the spirit of the Covenant is at work, tends to transform the Secretariat into the sum arithmetic of national delegations which would produce in the inner organization of the League Office the play of national forces at work abroad. Such a reaction is natural and was to be expected. Its effects should, however, be carefully watched. The Secretariat--by the very fact of its permanence, its competence, and its as yet unimpaired impartiality--is one of the most valuable aspects of the World Community. Nothing could be more disastrous than that it should be transformed into a miniature replica of the so-called "Concert of Europe." Its rôle, as the machinery through which the international spirit makes itself felt on the several national spirits, would then be at an end. And the League,--Council, Assembly, and all--would be a farce.²

Sir Arthur Salter has perhaps gone further toward formulation of the theory underlying this attachment to the independence of the Secretariat than any one else. In 1930 he wrote privately,

. . . . the League is neither a super-State, nor a single unitary State, nor a mere collection of separate States. Its

¹Walther Schücking and Hans Wehberg, Die Satzung des Völkerbundes (Berlin: Franz Vahlen, 1931), pp. 546-47.

²Salvador de Madariaga, "The League Staff, II.--Nationality and Merit, An Encroaching Evil," The Times (London), September 5, 1928.

policy is not formed by the mere process of compromise and concession between these different policies. . . . In League decisions, a "corporate League sense" (the sense that the League is more than the sum of its component parts) in the League authorities--especially the Council--is vital;. . .

But

Some other and more continuous depository of the corporate League sense is needed; and it is the feeling of this need which inspires those who attach such an importance to the international character of the Secretariat.¹

There is a general tendency to consider the pressure of governments for apportionment of posts and representation in the Secretariat reprehensible because (1) it is in conflict with the concept of international administration,² or (2) because as M. de Madariaga said, the interference of governments breaks down the rôle of the Secretariat as "the machinery through which the international spirit makes itself felt on the various national spirits. . . ."

M. de Madariaga grants that this is "A reaction inherent in the hard realities." Where we feel that M. de Madariaga, etc., are not sufficiently realistic is in believing that an organization of some five hundred officials could in a decade or so break down these hard realities. To M. de Madariaga's international mind it must be obvious that much of the history of Europe and the world since 1914 consists of the hard realities. For the blame or credit for the forces which have operated in the Secretariat, one must go to the roots of these forces in the existing stage of development of the international community.

¹Salter, The United States of Europe, pp. 127-28.

²Cf. Georges Scelle, Précis de Droit des Gens (Paris, 1932), p. 267. "The Secretariat thus risks becoming an emanation of the chancelleries and of losing its character of international organ." Professor Scelle feels that this is "the gravest danger which menaces the League of Nations." Cf. Basdevant, op. cit., pp. 151, 154-55.

Actually the Secretariat's history is an attempt to find a workable equilibrium between the hard and--still speaking from M. de Madariaga's international point of view--less hard realities. For only part of the realities are nationalistic desires, suspicions, etc. The fact of the existence of the League, of the attachment which has been shown to the orthodox theory of the Secretariat, of the existence of a number of "international men" like M. de Madariaga who have served in the Secretariat, testify to the existence of some cohesive forces.

In the following pages we shall summarize the situation in which the Secretariat has existed and the considerations which have made its functions and organization what they are.

II

The League of Nations has wide interests, both technical and political. It consists of a group of states jealous of their own sovereignties and suspicious of the intentions of other states, in need of persuasion that any joint course of action is to their own interests.

The members of the League are of greatly varying size and importance. The Great Powers have wide interests and their co-operation is essential to the success of the League. The smaller powers on the other hand because of their more limited interests may be more impartial, more able to see the general interest.

The League has been essentially European. It lives in Europe. It has for its official languages two European languages. While it has dealt to a certain extent with general problems and has in recent years concerned itself somewhat with problems especially affecting certain non-European areas, the bulk of its work and its most effective work has been European. Its approach to the problems with which it has dealt has been fundamentally

that of European training, traditions, etc.

With a few exceptional cases, the Saar, Danzig, etc., the League has had no immediate administrative control. For the most part the administrative application of the decisions taken by the League falls on the members of the League themselves.

Finally, as the League is not a state its organs are only roughly analogous to those of a state. Its central government is weak. Its governing bodies meet infrequently. Their members are primarily concerned with affairs in their respective countries.

It seems to be inherent in this situation that the permanent arm of the organization should be both more and less than its counterpart in national states, i.e., the administrative civil service.

Within limits the Secretariat's functions are similar to those of the national administrative departments. It prepares and executes the work of the so-called legislative, executive and advisory organs. In this sense its work is ministerial and may even be called administrative. But it is less than an administrative body in the sense of the national civil service because it does not have at its direct command the "management of men and materials" which constitutes the activity of the national administration. As we have already pointed out the League is dependent for the final execution of its decisions on the administrations of its member states. On the other hand, the Secretariat is for several reasons more than an administrative body. It is for one thing a diplomatic as well as an administrative and technical organ. The fact that it serves an international organization makes its preparatory and executive work partially diplomatic. Preparation of the ground of discussions includes both documentary

preparation and informal soundings of national policy,¹ etc. Similarly, lacking direct administrative power its task involves co-ordination of the work of the various national administrations which actually do the administrative work of the nations with the work of the League. Finally the impermanence and weakness of the representative organs leave the Secretariat's preparation and execution of their work with relatively little supervision. As the single permanent organ it is responsible for the day-to-day government of the League. This consequently pushes it further into the realm of decision and discretion than the national administrator, who has a definite, single chief, would go.

The early history of the League undoubtedly contributed to the importance of the Secretariat. It existed after all before the other organs of the League. Its existence and permanence when the Council and Assembly were coming into existence and before they had developed methods of work gave it a place of great importance in the establishment and development of the League. Without such a permanent central nucleus one is tempted to wonder if the League would ever have got going and outlived its earliest and not very encouraging year or so.

In any case the Secretariat's early importance as the center of League activity and tradition has never been really

¹Mr. E. J. Phelan, assistant director of the International Labor Office, suggests that the international civil servant in giving a decision political as well as technical preparation, that is, in preparing a decision which will be acceptable, is doing something not essentially so different from what the national administrator frequently does in modern circumstances. "In the administration of laws which affect interests, laws which have been really made in agreement with such interests and which are dependent on the collaboration of such interests for effectual application, the civil servant in taking such decisions as are within his discretion will naturally weigh the extent to which they will meet with approval or protest. In all this he is performing a function not very different from that performed by the international civil servant" ("The New International Civil Service," Foreign Affairs, Vol. 11 [1933], No. 2, p. 314).

outgrown, although in latter years more attention has been paid by governments to preparations of the work of the representative bodies than formerly. The constitutional impermanence of its supervisory organs and their members has, however, left in the hands of the Secretariat's members extensive tasks of negotiation, preparation, and execution.

The nature of the League's interests, and so of the Secretariat's tasks, requires two qualities in its officials (1) close relations with the various governments and national opinions, and (2) impartiality.

The Inter-Allied War Organization had owed a large measure of its success to the dual position of its permanent staff, whose members were nationals of the Great Powers which were chiefly responsible for the conduct of the Allied side of the war, as servants both of their own countries and of the international body. The Secretariat's successful conduct of its tasks depends in large degree on its capacity for co-ordinating the various national policies and administrations, and particularly those of the Great Powers. Its problem is similar to that of the Inter-Allied organization. The work of co-ordination can only be accomplished through persons who know their national technical or political situations and who are in the confidence and good graces of their governments or administrations.

No matter how able and how impartial his point of view an official who did not have the confidence of the necessary persons in his own country would be useless to the Secretariat as a liaison official. In one well known case in which the Secretariat refused to dismiss a liaison official against the protests of, if not exactly his government, at least the most vociferous political group in his country, he had no further usefulness in the Secre-

tariat as a liaison official but was transferred to an obscure technical position.

As regards the second quality, impartiality, in so far as the Secretariat is a ministerial and an administrative body its impartiality is important in the same way as that of a national civil service. That is, the bodies which take decisions need to know that their decisions will be carried out with loyalty. As a matter of fact, however, the maintenance of impartiality in the Secretariat is a great deal more complicated than in the national civil service since the unity to which it must be loyal is a much more tenuous thing than a single national government. It must in fact act in the composite spirit of the nearly sixty nations which comprise the League. This of course implies our first point, i.e., knowledge of national opinion. But it also requires the welding of these national opinions into a larger corporate interest. Furthermore the fact that the Secretariat is more than a ministerial agent, that it deals, without much supervision, with political as well as technical matters affecting the interests of many states and must take more decisions at its discretion than a national administration, greatly enhances the need for this peculiar corporate impartiality.

To achieve this international impartiality two methods have been suggested, (1) the neutrality of the individual, the development of the "international man," (2) the continuous association in the work of the Secretariat of persons each representing a different national interest.

Neutrality of the individual has of course been considered the basic theory of the Secretariat. This does not present so much of a problem to the officials of lower rank or performing highly specialized technical duties. But for the officials in

more contentious fields and those of higher ranks a very serious problem arises. This is particularly true of those from Secretary-General to Director, and most of all for the Secretary-General himself.

We have already pointed out the need for contacts, good relations between officials and their governments and administrations. This taken together with the requirement of impartiality requires the official to be a very fancy gymnast, capable of doing rapid whirls on a narrow, tight rope. He must inform the Secretariat of his government's policies but he must not work for these policies. He must work for a League agreement, but one to which his government's consent is possible, and he must convince his government that this agreement is to its advantage. He runs the risk on the one hand of being thought under the influence of his government, on the other hand of being thought too international, of having come under influences alien to the interests of his government.

It has been suggested on the one hand that whether or not an official maintains his independence from government control is a question of personal temperament and that the situation can be little affected by theories or rules. On the other hand, it has often been pointed out that it is fundamentally the attitudes of the governments which prevent the exercise of impartiality on the part of their nationals. We have already shown that an official who offends his government is of little use as a negotiator. Furthermore, he himself may suffer. If he has been and expects again to be a national servant he imperils his future career by displeasing his government.

But considering the relative weakness of the League's governing organs, the importance and lack of supervision of the

permanent body, and the suspicion by the governments of each other, it seems inevitable that these governments--and particularly those with wide interests--should desire to have real representation of their interests in the Secretariat, especially in the high, directing ranks.

On the face of it, the least complicated way out of the dilemma appears to be the frank acceptance of the second method of achieving international impartiality, i.e., through the association of the representatives of the various nations in the work, and especially in the direction, of the Secretariat; that is, to substitute for a theory of personal impartiality and internationalism one of joint impartiality and internationalism. This was the system on which the Secretariat might have been expected to be organized, growing as it did out of the war and Peace Conference organizations where the technical and administrative organizations consisted of delegations of the four Great Allies. This theory underlay the proposals of the Minority of the Committee of Thirteen for an advisory board of Under-Secretaries-General to assist the Secretary-General in the direction of the Secretariat and for short term engagements. Somewhat the same effect would be arrived at if the system of permanent national delegations at Geneva were extended to the Great Powers and took over from the Secretariat the work of liaison as has been proposed frequently, both publicly and privately, of recent years.

Unfortunately, however, the association of national representatives does not automatically result in an international way of thinking, an international solution. It is axiomatic that national representatives tend to be unable to see beyond what appears to be an immediate national interest. There even seems to be evidence that permanent national delegates are particularly

nationalistic, more so even than governments and ministers. Sir Arthur Salter found this true in the Reparations Commission. He has written,

Experience in the Reparations Commission showed that National Delegations living abroad are more intransigent than their instructing Ministers and the whole history of reparation is that of attempts to escape the deadlock so created by the double method of conferences of Ministers and the calling in of experts, i.e. by a reversion to the League system.¹

From our discussion of the special character of the Secretariat's rôle it appears that such intransigence on the part of its members, or of members of an organization replacing it, would be fatal. Since decisions of the governing and advisory bodies require preparation and execution in a corporate spirit, the organization which prepares and executes them cannot be a mere replica of the Council or Assembly.

The special contribution of the Secretariat, and before it, of the Inter-Allied bodies, to the technique of international co-operation is the particular kind of preparatory work performed by these organizations. This refers to the complete analysis of a given situation, factual and diplomatic, which reduces to their lowest terms the differences which must be settled by formal diplomacy. This is only possible in a system where there is constant association of persons who are both part of a corporate international body and are in close relations with their own governments and national situations. To this end they must have the confidence both of their colleagues of other nationalities in the international body and of their governments or administrations. They can only possess the confidence and receive the confidences of the former if they are known to be motivated by a real desire to find a workable international solution. This condition would

¹Salter, The United States of Europe, p. 135.

not be satisfied if the officials were known to be out and out representatives of their national interests.

It is true that the system worked admirably in the war bodies although they were composed of government officials. But there the overwhelming emergency acted as a fusing agent. There was no doubt of loyalty to the corporate existence.

Since the League and its constituent organs are not meeting an emergency of this sort, with the result that the coincidence of national interests in a common interest is less conspicuous, it seems to us that the organization of the Secretariat must in itself supply the necessary fusing agency. It is difficult for us to see other means to this end than (1) organization of the Secretariat as a unit responsible to the League as a whole rather than as a group of units responsible to the various countries, (2) that at least part of its personnel consist of disinterested persons who can see beyond individual national interests to the most practical solution for all.

There seems to be no easy way out. The Secretariat must be sensitive to national opinion and it must be capable of action in an impartial corporate sense.

III

The double need of neutrality and national contacts was from the outset well understood by the Secretariat's chief and organizer, Sir Eric Drummond.

In its origins the Secretariat represented an attempt to combine the administrative experience of the recent Inter-Allied bodies and the theory of the permanent national civil service. The essence of the success of the war organization had been the dual position of the personnel, nationals of the Great Powers which were chiefly responsible for the conduct of the war, as

servants of their own countries and of the international body. Ultimately, however, the members of the staff were responsible to their own countries. The adoption of the civil service theory on the other hand called for individual loyalty and responsibility to a central international authority and independence from the dictates of the individual governments.

The manner of combination of these two traditions gave the Secretariat from the beginning the appearance of not letting its left hand know what its right was doing.

The Secretary-General announced the official civil service theory of independence of the Secretariat from national influences, its posts to be filled by the best men and women animated by loyalty to the spirit of the League.

Then he quietly set about organizing the Secretariat with a central nucleus of high officials, nationals of those same Great Powers which had won the war. These officials were technically officials of and responsible to the League alone. They supposedly put League interests first. In practice they were links between the League and their governments. They stood in positions of confidence to both. The two highest officials, the American assistant Secretary-General having retired, were nationals of the two European Allies which stood at the top of the European post war heap, Britain and France.

The resulting appearance seemed to give the lie to the civil service theory for this group of top posts looked decidedly more like a political cabinet than like the highest ranks of an administrative organ. If to anyone the arrangement looked accidental, the official resistance, on admittedly political grounds, at the 1921 Assembly, to the abolition of a post of Under-Secretary-General which had been held by an Italian, removed this

misapprehension. The creation as a matter of course of a similar post for Germany in 1926 marked the system as generally accepted.

This group of high officials provided a system of informal co-ordination with the governments of the Powers chiefly responsible for any international system. But the original group of men selected for the task were, none of them, professional diplomats. Each was eminent in some professional or technical field, a jurist, an educator, an expert in the field of economics and transportation questions. Perhaps none of them would have been his government's first choice as a delegate but each of them was a person enjoying the respect of persons of importance in his government and his country. The first two changes in this high personnel brought in persons of a similar type, technicians rather than diplomats.

These early appointments apparently represented an earnest effort to combine the two traditions, independence from national control and ability to act as media for the expression of national opinion on the one hand and international opinion on the other hand.

The importance of the Secretariat in the days of the League's organization has been mentioned before. The composition of the Secretariat, representing the realistic balance of power certainly contributed to its strength in those early days, in particular the backing which was secured by having as its director and assistant director nationals of the two most important nations in post war Europe.

The other high officials, drawn partially from the European Great Allies, partly from smaller European Allies, some from the neutrals, were the same type of persons as the Under-Secretaries-General, i.e., persons of eminence in professional and technical

fields. Appointments to the lower ranks, Members of Section, while at first mainly from the British and French, with a scattering of Italians and nationals of small western European states, were actually dictated more by the pure question of competence than the later appointments. The Secretary-General appointed persons whom he or his higher subordinates knew personally and trusted. The question of national distribution while not unconsidered, was of secondary importance.

The nationality of the officials in two high posts has definitely been dictated by the need for impartiality. This refers to the Directors of 1. the Administrative Commissions and Minorities Questions Section 2. the Mandates Section. The former have always been nationals of states entirely removed from minorities questions or questions falling within the purview of the Administrative Commissions. The latter have been nationals of non-mandatory states.

All of these officials were responsible to the League rather than to their governments. They, too, had to act in varying degrees as links in political or technical fields between the League and their governments.

Almost immediately the pressure began on the Secretary-General to distribute posts more widely among the various nationalities and in many cases to appoint nationals of particular countries or groups of countries. Gradually the lower ranks were populated more and more by nationals of the smaller countries. The composition of the Secretariat reflected what was going on in the League as a whole and in the political world. The French and British continued to be predominant nationalities in the Secretariat but the Italians increased rapidly in the upper ranks in accordance with the rise of the Fascist State and its demands for

greater recognition. Room, including one high post, was made for some Latin-Americans just as three seats were given them in the Council. Germany's entrance to the League saw the creation of a number of posts for her nationals including one of Under-Secretary-General. On Spain's return to the League a Spanish national was immediately appointed to a post of Director. Meanwhile the general appearance of the Secretariat, as of the League, maintained an essentially European appearance.

In the early days the preoccupation of the members of the League with national representation was largely a matter of prestige. An extreme example is offered by the repeated requests of Latin American delegations for representation in the Secretariat in days when Latin America was actually participating scarcely at all in League activities. However, as time passed and the League's position became more important due to its settlement of some minor disputes, the Locarno Agreements, Germany's entrance into the League, the 1927 Economic Conference, other conferences resulting in programs of work or treaties, as the Opium Conferences, the preparation of the Disarmament Conference, Governments became aware of the importance of the Secretariat which had been moving quietly behind the scenes all of these years. The need which the various states and groups of states felt for representation became an acute political one and the hegemony of particular states became an odious situation to the others. Naturally enough the higher posts which formed the center of the Secretariat system were the particular focus of the contest.

Change in the interest in national representation in the Secretariat was accompanied by change in the type of appointee. Especially was this true in the higher ranks. Governments had candidates for the posts. New appointments were for a time all

from the ranks of professional diplomats. There was generally a feeling of the growing influence of governments, that many of the members of the Secretariat no longer conformed to the principle of independence from their national dictates, that they represented national policies.

These remarks apply particularly to special ranks and Sections. The situation came to a head in the fight over the Principal Officers. The minority of the Committee of Thirteen openly subscribed to the theory that impartiality could be obtained only through the association of representatives of all the Great Powers in the direction of the work of the League. This idea was implicit in the insistence of the Great Powers that if one of them were represented in the higher ranks all should be and their refusal to have any or all of the posts of Under-Secretary-General abolished. It was the feeling that the interests of these powers were dominating the direction of the Secretariat which prompted the smaller powers to insist that if the high posts could not be abolished they must be represented there, too.

All of this time the Secretary-General's hands had never been tied by a precise rule as to the nationality of appointments. Such rule as there was said that qualifications being equal, posts should be distributed fairly among the various nationalities. Finally, however, in 1932 two rules were adopted, 1. that with the addition of the second post of Deputy-Secretary-General, either the post of Secretary-General or one of those of Deputy-Secretary-General, must be occupied by a national of a state not a permanent member of the Council, 2. that not more than two of the principal posts (Secretary-General to Director) could be held by nationals of the same state. Meanwhile a Spaniard was appointed Deputy-Secretary-General. At the same time the other five high posts

were redistributed among the Great Powers, French Secretary-General, Italian Deputy-Secretary-General, German, British, and Japanese Under-Secretaries-General. But almost immediately the Japanese, and later the German, Under-Secretary-General left the Secretariat, following, in each case, the announcement of the intentions of their Governments to withdraw from the League. The entrance of the Soviet Union into the League was followed by the appointment of a national of the U. S. S. R. as an Under-Secretary-General. At present the high ranks of the Secretariat, as the Council, though not in the same proportion, are populated by a lower proportion of nationals of the Great Powers than formerly.

Meanwhile some other developments have occurred, offsetting somewhat the crystallization of the principle of nationality in the high ranks. This refers to the enlargement of the possibilities of making a career in the Secretariat. To this end the principle of permanency for posts below the rank of Director was adopted in 1930. Similarly the number of promotions from the lower ranks to the high posts has been a movement in this same direction. Furthermore the two new appointments, that is from outside the Secretariat's ranks, to the highest group of posts in 1932, were not diplomats. However the two high officials appointed in 1935, the Soviet Under-Secretary-General, and the Argentinian Legal Adviser, were professional diplomats.

IV

Since forms and institutions are functions of the forces from which they derive, the non-conformance of the Secretariat to its own theory and to the theory which the legal commentators insist is essential to the concept of fonctionnaire international is significant in suggesting the necessary characteristics of a Secretariat in the present stage of international organization.

The official of the early international bureaus would be chosen for competence rather than nationality since he was dealing with limited, technical subjects without contentious interest. In the national state, similarly, officials can often be chosen for merit and can be required to be neutral because the dominant symbol and legal and political force lie in the central government which is served by the administrative organization.

But even the picture of the national civil service, untouched by political forces, with which the Secretariat is usually compared, is an idealized and superficial version of the truth. The much lauded tradition of the British Civil Service when examined realistically appears to have been possible because the rotation of the leaders of two major political parties until quite recently has been within a single ruling class which also provided the civil servants. The differences between the parties were relatively superficial. In this sense political reality has been represented in the British service to an extreme degree. In the United States there was a ruling class, social and geographical, prior to the Jacksonian revolt which brought in the spoils system. Since that time, even with a measure of civil service reform, spoils politics has permeated American administration on all levels of government. The professional civil servant has been the exception rather than the rule. A device adopted in the interests of corporate impartiality has been the bi-partizan board, another reflection of political forces. Furthermore, in the United States, where the states remain important political entities the geographical element has played a part in Federal Civil Service recruitment.

It is not thus surprising or shocking that political considerations enter into the composition of the Secretariat

which serves, not a state, but an organization of states. In fact the importance of national considerations in the organization of the Secretariat testifies to the greater importance and vitality of its activities as compared to those of its forerunners, the international bureaus. Nationality necessarily becomes co-important with competence, or even one test of competence when the co-ordination of national policies and situations in contentious fields is the business of the organization.

The hybrid character of the organization which has been developed in the Secretariat seems to us the natural expression of the considerations and forces which were summarized in the second section of the present chapter. As its functions are both administrative (and technical) and political, so it is organized as a unit with hierarchical responsibility to a single chief--and its composition is representative of political realities.

In fields where the League has come nearest to being a sovereign organization, that is where it has had direct administrative powers as in the Saar and Danzig, or certain rights of intervention in national governmental activities as in Mandates and Minorities questions, the composition of the Secretariat has been from the national point of view of unimpeachable impartiality.

As in the Council and the Assembly, the small powers have fought the domination of the Great Powers in the Secretariat, finally achieving a place in the high ranks for a national of the intermediate class power which had in the affairs of the League been playing the rôle of leader of the smaller neutrals.¹

The high posts continue to serve as a modus vivendi

¹In 1932-33 in the affairs of the Disarmament Conference and the negotiations concerning the Sino-Japanese dispute, a group of small powers, under the leadership of Spain in the person of M. de Madariaga, played a considerable rôle. This group was known as "the straight eight."

between pure representation of the Great Powers and pure responsibility to a hierarchical chief who is in turn responsible to the Council.

The improvement of the possibilities of a *securé* career through pensions, long term engagements, improved (though far from perfect) possibilities of promotion help to make a portion of the staff a real international instrument.

The feeling that a hybrid system of this sort came as near or nearer to meeting the situation than could any other undoubtedly accounted for its creator's defense of it in the face of all attacks and statements of violation of the official theory--allowing of course for Sir Eric's natural attachment to his own creation. In Chapter VIII we discussed his defense in his last Assembly, that of 1932, of the Under-Secretary-General system.¹ One alternative to this system had been proposed by the Minority of the Committee of Thirteen, amounting in effect to pure national representation of the Great Powers in a governing board within the Secretariat. This had been emphatically turned down by the Assembly in 1930.

Another frequently suggested alternative is the abolition of the Under-Secretaries-General system and the establishment of a system of permanent delegates for the Great Powers in Geneva. This proposal was supported by the French League of Nations Association as part of a general reform of the organization of the League submitted to the International Federation of League of Nations Societies in 1934. In the 1932 Assembly a number of the representatives of the small states expressed the opinion that this was perhaps the best way out of the domination of the Secretariat by Great Power politics. To Sir Eric's objection that this would displace the center of influence from the Secretariat,

¹See pp. 189-91 of the complete dissertation, to be found only in the University of Chicago Libraries.

they replied that perhaps this would not be a misfortune. If the political liaison work were taken out of the Secretariat, its technical functions could proceed more easily without the contamination of national politics.

We have already expressed the objection to any system of co-ordination through national delegates either within or without the Secretariat. Sir Arthur Salter whom we have had occasion to quote so often before, has described the probable effect of a system of permanent delegates.

In the face of a permanent corps of Ministers, meeting in committees and "shadow Councils" and in direct contact with their Foreign Office, the Secretariat will necessarily sink in status, in influence, and in the character of its personnel, to clerks responsible only for routine duties. They will cease to be elements of importance in the formation or maintenance of the League's traditions.

These traditions will thus depend upon the resident Ministers. These will be essentially and exclusively national--and will represent those national elements which are developed and expressed through the national Foreign Offices.¹

Without wishing to gild the lily it seems to us that imperfect and illogical as the present organization is, the fact that it comprises the daily association of the nationals of various states who are under the direction of and responsible to--even if only half heartedly in certain cases--a single chief who is himself responsible to the Council augurs much more for the initial preparation and execution of the work of the League than the other sort of organization.

It seems to us that the most immediate improvement in the situation of the Secretariat would be made through a precise attempt to clear away some of the murkiness of the atmosphere both as regards functions and organization of the Secretariat.

¹Salter, *op. cit.*, p. 133. Then follows the passage quoted on p. 316 of the present chapter concerning the experience of the Reparations Commission in regard to resident Ministers.

A number of persons have suggested that the solution to the Secretariat's problem within the Secretariat would be to have two types of officials, one group responsible for liaison activities, appointed temporarily from their own countries, another group--and the larger group--entering the Secretariat at an early age and making life careers there. The latter group would be absolutely cut off from their governments. The former group while in the Secretariat would be responsible to the Secretary-General but would maintain contact with the governments.

Something of this sort exists at present. But while it is understood that the Under-Secretaries-General and some of the members of the more political Sections stand in a particular relation to their governments, the official attitude is one of secret toleration of this situation rather than admission of its desirability and legality. This helps to obscure the line between the two groups of officials and is conducive to a general attitude of distrust.

The official obscurity concerning the actual relations of officials to their governments and the Secretariat grows at least partly out of the equally great obscurity concerning the more fundamental question of the functions of the Secretariat. The desire of the members of the Secretariat for anonymity and understatement of the importance of their activities has been willingly connived at by the two committees of experts (except of course the minority of the Committee of Thirteen) and by the adherents of the civil service theory. In order to protect the Secretariat's efficiency and independence the political side of its activities has been under-emphasized in the fear that otherwise the insistence of certain governments to control its decisions would be inescapable.

While this is understandable, it has certainly added to the general distrust. It would be unfortunate to tie the Secretariat's hands by a very specific definition of its functions, but it seems as if a general statement, perhaps in connection with the definition of the two groups of officials suggested above, by the Assembly and Council would help the Secretariat by removing some of the more unjust criticism of it.

Finally it seems to us that it would be all to the good if a national of one of the smaller and admittedly neutral Powers should become Secretary-General, maintaining as his close associates in the high ranks nationals of the Great Powers. This, it seems, would reduce the suspicions of the national character of the direction of the Secretariat's work, suspicions emanating both from the Great Powers in regard to each other and from the small Powers as regards the Great Powers.

